

PLANNING AND ZONING COMMISSION
STAFF REPORT

February 18, 2010



Conditional Use Permit CU10-01: Karim Bhaidani

CASE DESCRIPTION: a request for approval of a Conditional Use Permit to allow multifamily residential use on property in a Commercial District (C-3)

LOCATION: 401 West William Joel Bryan Parkway, being Lots 7 and 8, Block 159 of the Bryan Original Townsite, adjoining the south side of West William Joel Bryan Parkway between Sims and Sterling Avenues in Bryan, Brazos County, Texas

ZONING: Commercial District (C-3)

EXISTING LAND USE: vacant building

APPLICANT(S): Karim Bhaidani

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit, as requested.

LOCATION MAP:



AERIAL PHOTOGRAPH:



RECENT PHOTOS:



[illegible]

The site plan shows a property bounded by N. Sterling Av. to the north, N. Sims to the east, and 400th St to the south. The plan is divided into several lots, some of which contain buildings. A red circle highlights a building on the east side of the property, labeled 'Subject Structure'. The plan includes lot numbers (1, 2, 3, 4, 5, 6, 7, 8, 9, 10), building footprints, and various annotations such as 'D.' (Detached), 'A.' (Attached), 'A&D.' (Attached and Detached), and 'S.' (Single). A north arrow is located in the top left corner.

BACKGROUND:

A multi-story structure on the subject property has been used as an apartment house since the 1940s. In the past several years the building deteriorated to the point that the owners decided to cease renting the units until they could be renovated. By not using the building as an apartment building for more than 12 months, the structure lost its legally non-conforming (grandfathered) status. Apartment houses (multi-family dwellings) are not permitted by right in the Commercial (C-3) zoning district.

The owner of the property wishes to renovate the structure and return it to service as an apartment building. The building is divided into three apartments and a storeroom. Mr. Bhaidani plans to keep this configuration and plans to only renovate the existing building.

The C-3 zoning classification potentially allows multi-family dwellings, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicant is requesting such a Conditional Use Permit, which, if approved, will allow the proposed multi-family residential use on this property.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Comprehensive Plan suggests that high-density residential uses be located at mid-block locations along collector and arterial streets. The Comprehensive Plan also suggests high-density residential land uses may function as transitional land uses when situated between residential uses of lower density and commercial uses. The plan also focuses on the need to "facilitate orderly, efficient and attractive development, redevelopment, and infill."

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

Resumption of multi-family use on the subject property will conform to applicable regulations and standards established by the Zoning Ordinance and the Land and Site Development Ordinance. No variations from existing standards are being requested. The subject property was originally developed as a multi-family building site.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff believes that the proposed residential use on the subject property will be compatible with existing uses on abutting sites. Single-family homes adjoin the subject property to the south; retail uses are located to the north.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff believes that, in this particular case, residential use of the existing structure on the subject property would not create greater unfavorable effect or impacts on abutting properties than a commercial development allowed by right on this property without Conditional Use Permit approval.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed residential use at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity. The large area paved in concrete east of the building can more than accommodate the required three parking spaces. The other uses on this lot and the one adjacent have adequate parking as well.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including the proposed residential use, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that residential use of this particular property will not have any adverse effects on traffic control or adjacent properties.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

As mentioned above, the residential use at this location will provide adequate and convenient off-street parking, as required by City ordinances and regulations.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

The Commercial District (C-3) is intended for many general commercial uses such as retail and office establishments. However, multi-family residences are potentially allowed with approval of a Conditional Use Permit to allow residential development in areas zoned for commercial purposes, for example, in cases where properties for whatever reason historically have not been developed with commercial uses.

Staff contends that, in this particular case, the proposed multi-family residential use at this particular location is compatible with the character of this particular area and is in conformance with the land use recommendations of the Comprehensive Plan. While long-term development prospects for this and other properties on this block face remain most likely

commercial given their exposure to William Joel Bryan Parkway, residential and low-impact office uses are likely to remain here for some time, unless a comprehensive redevelopment effort is undertaken.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes the proposed residential use of this property will have no ill effects on properties or improvements in the vicinity. As mentioned before, several adjacent properties are also occupied by residential uses.

10. Whether the premises or structures are suitable for the proposed conditional use.

For the same reasons given above, staff believes that the subject property is suitable for multi-family use.

RECOMMENDATION:

Based on all these considerations, staff **recommends approving** the Conditional Use Permit, as requested.